

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TROY SHARBOWSKI, a minor,
and GINA SHARBOWSKI,

Plaintiffs,

No. 11-cv-13092

v.

Paul D. Borman
United States District Judge

UTICA COMMUNITY SCHOOLS,
MICHIGAN DEPARTMENT OF
EDUCATION, and JANE AND JOHN
DOES,

Laurie J. Michelson
United States Magistrate Judge

Defendants.

ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DKT. NO. 32); (2) GRANTING DEFENDANTS' MOTIONS FOR
JUDGMENT ON THE PLEADINGS (DKT. NOS. 16, 22); and
(3) DISMISSING THE CASE WITHOUT PREJUDICE

On February 16, 2012, Magistrate Judge Laurie Michelson entered a Report and Recommendation to grant Defendants Utica Community Schools ("UCS") and the Michigan Department of Education's ("MDE") motions for judgment on the pleadings and to dismiss the case in its entirety without prejudice. (Dkt. No. 32.) Magistrate Judge Michelson's Report further recommended that the Court "stay[] the two year statute of limitations under 34 C.F.R. § 300.507 to permit Plaintiffs to bring this cause of action within 90 calendar days from the date of the decision of the ALJ in any future due process proceeding." (Dkt. No. 32, 9 n.4.)

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L. R. 72.1(d), the Court ADOPTS the Report

and Recommendation, GRANTS Defendants' motions for judgment on the pleadings, and DISMISSES the case WITHOUT PREJUDICE.¹

IT IS SO ORDERED.



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: 4-18-12

¹ Plaintiffs did not file objections to the Report and Recommendation but did file a "request" that the Court "stay" or "suspend" the case while Plaintiffs pursue administrative remedies, to relieve Plaintiffs of the obligation of paying a filing fee upon refiling their claims following administrative proceedings. (Dkt. No. 33, Plaintiffs' Notice of Filed Due Process Complaint and Request, 2.) The Court declines this request but will consider any application to proceed *in forma pauperis* at the time of any refiling.